

Message Text

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72

ACTION ARA-20

INFO OCT-01 ISO-00 L-03 EB-11 COME-00 CIAE-00 DODE-00

PM-07 H-03 INR-10 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01

SPC-03 SS-20 USIA-15 ACDA-19 IO-14 OMB-01 TRSE-00

DRC-01 /144 W

----- 067135

R 231708Z NOV 73

FM AMEMBASSY LA PAZ

TO SECSTATE WASHDC 1560

UNCLAS LA PAZ 7048

E.O. 11652: N/A

TAGS: EIND, BDIS, BL

SUBJ: APPLGATE/YOUNGQUIST LAND EXPROPRIATION CASE.

REF: LA PAZ A-164 OF AUGUST 10, 1973.

1. ACTION REQUESTED: PLEASE INFORM EMBASSY WHETHER THERE IS ANY TRUTH TO ATTORNEY J. ANTHONY MORAN'S ASSERTION (IN LETTER TO AMBASSADOR DATED NOVEMBER 15 WITH COPY TO ARA/BINNS) THAT DEPARTMENT READY TO ESPOUSE A DIPLOMATIC CLAIM ON BEHALF OF AMERICAN CLAIMANTS IN SUBJECT CASE.

2. LETTER STATES, INTER ALIA, QUOTEAFTER MANY DISCUSSIONS WITH REPRESENTATIVES OF THE STATE DEPARTMENT IN WHICH IT WAS FUNDAMENTALLY AGREED THAT THE STATE DEPARTMENT WOULD ESPOUSE A DIPLOMATIC CLAIM ON BEHALF OF THE AMERICAN CITIZENS.....END QUOTE. LETTER ALSO ASSERTS THAT QUOTE.....WE HAVE PREPARED A DIPLOMATIC CLAIM WHICH HAS BEEN REVIEWED BY LEGAL COUNSEL WITHIN THE STATE DEPARTMENT. IT IS NOW LEGALLY SUFFICIENT TO FILE.....END QUOTE.

3. MORAN'S LETTER INCLUDED COPY OF HIS LETTER OF NOVEMBER 15 TO MININD/COM/TOURISM PEREDA (COPY ALSO TO JACK BINNS) MAKING SAME POINTS AND SAYING THAT NO ANSWER FROM GOB BY DECEMBER 15, 1973
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WILL CAUSE MORAN TO SEEK ESPOUSAL.

4. UNDER SECRETARY ZAMORANO TOLD COMATT AFTERNOON OF NOVEMBER 21 THAT HE HAD QUOTE JUST RECEIVED END QUOTE MORAN'S LETTER. HE SAID DISCUSSION OF MORAN'S LETTER SHOULD BEST AWAIT TRANSLATION BUT DID INSIST THAT GOB CONTINUES DESIRE NEGOTIATE AND TO SOLVE THIS DISPUTE, PREFERRING TO BASE SETTLEMENT ON COMPENSATION IN LAND. ZAMORANO SAID MORAN'S LETTER WOULD BE ANSWERED.

5. JUAN MACLEAN OF THE SUGAR COUNCIL (CNECA), WHO SEEMS TO HAVE BEEN PRINCIPAL OPERATING OFFICER IN THE DISPUTE, ALSO TOLD COMATT NOVEMBER 21 THAT GOB WANTS TO RESOLVE THIS DISPUTE, IS WILLING TO NEGOTIATE AND TO COMPENSATE IN LAND.

6. BOTH ZAMORANO AND MACLEAN OFFERED OPINION THAT MORAN'S OUT-OF-HAND REJECTION OF COMPENSATION IN LAND, HIS INSISTENCE ON COMPENSATION IN CASH AND HIS THREATS OF UNLEASHING THUNDER FROM ON-HIGH IS NOT NEGOTIATION IN USUAL SENSE.

7. COMMENT: GOB OFFICIALS ADMIT THEY HAVE NOT ANSWERED MORAN'S MAY 1, 1973 LETTER TO MINISTER PEREDA. (MACLEAN SAYS GOB FOUND MORAN'S INTRANSIGENCE OFFENSIVE). WE NOTE THAT IT TOOK MORAN MORE THAN SIX MONTHS TO FOLLOW-UP HIS OWN LETTER, A PERIOD HARDLY CONDUCTIVE TO PRODUCTIVE DIALOGUE.

8. THE DEPARTMENT IS FULLY AWARE OF BOLIVIA'S FINANCIAL SITUATION. THAT SITUATION, WE BELIEVE, MAKES MORAN'S INSISTENCE UPON CASH COMPENSATION AT LEAST IMPRACTICAL. MOREOVER, WE BELIEVE THAT SUFFICIENT LAND ALONE COULD BE EQUITABLE COMPENSATION IF AS GOB OFFICIALS HAVE SAID, U.S. PRINCIPALS WILL BE FREE TO SELL THE LAND GRANTED.

9. RECOMMENDATION: THAT WE REITERATE RECOMMENDATION MADE IN REFAIR: THAT MORAN BE FIRMLY ENCOURAGED TO NEGOTIATE FORTHRIGHTLY AND DIRECTLY WITH THE GOB ON BASIS COMPENSATION IN LAND THAT CAN BE SOLD AND NOT TO THREATEN.
STEDMAN

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